

Introduced by Senator Machado

February 20, 2004

An act to amend Sections 13010, 13014, and 13022 of the Penal Code, and amend Section 285 of the Welfare and Institutions Code, relating to criminal justice information reporting.

LEGISLATIVE COUNSEL'S DIGEST

SB 1850, as introduced, Machado. Criminal justice information reporting.

Existing law requires the Department of Justice to prepare and distribute certain criminal justice information to specified persons and entities on cards or forms.

This bill would authorize distribution by electronic means.

Existing law requires each sheriff and chief of police to annually furnish the Department of Justice, on a form at those times and in the manner prescribed by the Attorney General a report of all justifiable homicides committed in his or her jurisdiction.

This bill would require each sheriff and chief of police to annually furnish the Department of Justice, at those times and in the manner prescribed by the Attorney General, a report of all justifiable homicides committed in his or her jurisdiction.

By imposing additional reporting duties on local law enforcement entities, this bill would impose a state-mandated local program.

Existing law requires all probation officers to make periodic reports to the Bureau of Criminal Statistics as the bureau may require and upon forms furnished by the bureau.

This bill would require all probation officers to make periodic reports to the Attorney General at those times and in the manner prescribed by the Attorney General.

By imposing new reporting duties on local governments, this bill would impose a state-mandated local program.

This bill would make other technical, nonsubstantive changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 13010 of the Penal Code is amended to
- 2 read:
- 3 13010. It shall be the duty of the department:
- 4 (a) To collect data necessary for the work of the department
- 5 from all persons and agencies mentioned in Section 13020 and
- 6 from any other appropriate source;.
- 7 (b) To prepare and distribute to all ~~such~~ *those* persons and
- 8 agencies, cards ~~or other~~, forms, *or electronic means* used in
- 9 reporting data to the department. ~~Such~~ *The cards or, forms, or*
- 10 *electronic means* may, in addition to other items, include items of
- 11 information needed by federal bureaus or departments engaged in
- 12 the development of national and uniform criminal statistics;.
- 13 (c) To recommend the form and content of records which must
- 14 be kept by ~~such~~ *those* persons and agencies in order to insure the
- 15 correct reporting of data to the department;.
- 16 (d) To instruct ~~such~~ *those* persons and agencies in the
- 17 installation, maintenance, and use of ~~such~~ *those* records and in the
- 18 reporting of data therefrom to the department;.
- 19 (e) To process, tabulate, analyze and interpret the data collected
- 20 from ~~such~~ *those* persons and agencies;.



1 (f) To supply, at their request, to federal bureaus or departments
2 engaged in the collection of national criminal statistics data they
3 need from this state;

4 (g) To present to the Governor, on or before July 1st, a printed
5 annual report containing the criminal statistics of the preceding
6 calendar year and to present at ~~such~~ other times as the Attorney
7 General may approve reports on special aspects of criminal
8 statistics. A sufficient number of copies of all reports shall be
9 printed or otherwise prepared to enable the Attorney General to
10 send a copy to all public officials in the state dealing with criminals
11 and to distribute them generally in channels where they will add
12 to the public enlightenment; ~~and~~.

13 (h) To periodically review the requirements of units of
14 government using criminal justice statistics, and to make
15 recommendations for changes it deems necessary in the design of
16 criminal justice statistics systems, including new techniques of
17 collection and processing made possible by automation.

18 SEC. 2. Section 13014 of the Penal Code is amended to read:

19 13014. (a) The Department of Justice shall perform the
20 following duties concerning the investigation and prosecution of
21 homicide cases:

22 (1) Collect information, as specified in subdivision (b), on all
23 persons who are the victims of, and all persons who are charged
24 with, homicide.

25 (2) Adopt and distribute to all state and governmental entities
26 that are responsible for the investigation and prosecution of
27 homicide cases *by forms* ~~which~~ *or electronic means that* will
28 include information to be provided to the department pursuant to
29 subdivision (b).

30 (3) Compile, collate, index, and maintain a file of the
31 information required by subdivision (b). The file shall be available
32 to the general public during the normal business hours of the
33 department, and the department shall annually publish a report
34 containing the information required by this section, which shall
35 also be available to the general public.

36 The department shall perform the duties specified in this
37 subdivision within its existing budget.

38 (b) Every state or local governmental entity responsible for the
39 investigation and prosecution of a homicide case shall provide the
40 department with demographic information about the victim and

1 the person or persons charged with the crime, including age,
2 gender, race, and ethnic background.

3 SEC. 3. Section 13022 of the Penal Code is amended to read:

4 13022. Each sheriff and chief of police shall annually furnish
5 the Department of Justice, ~~on a form at those times and in the~~
6 *manner* prescribed by the Attorney General, a report of all
7 justifiable homicides committed in his *or her* jurisdiction. In cases
8 where both a sheriff and chief of police would be required to report
9 a justifiable homicide under this section, only the chief of police
10 shall report ~~such~~ *the* homicide.

11 SEC. 4. Section 285 of the Welfare and Institutions Code is
12 amended to read:

13 285. All probation officers shall make ~~such~~ periodic reports
14 to the ~~Bureau of Criminal Statistics as the bureau may require and~~
15 ~~upon forms furnished by the bureau~~ *Attorney General at those*
16 *times and in the manner prescribed by the Attorney General*,
17 provided that no names or social security numbers shall be
18 transmitted regarding any proceeding under Section 300 or 601.

19 SEC. 5. Notwithstanding Section 17610 of the Government
20 Code, if the Commission on State Mandates determines that this
21 act contains costs mandated by the state, reimbursement to local
22 agencies and school districts for those costs shall be made pursuant
23 to Part 7 (commencing with Section 17500) of Division 4 of Title
24 2 of the Government Code. If the statewide cost of the claim for
25 reimbursement does not exceed one million dollars (\$1,000,000),
26 reimbursement shall be made from the State Mandates Claims
27 Fund.

